

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSEPH LOCHUCH EWALAN,

Plaintiff,

v.

CHERYL STRANGE, et al.,

Defendants.

CASE NO. 3:25-cv-05397-KKE-DWC

ORDER DECLINING SERVICE OF  
COMPLAINT AND GRANTING  
LEAVE TO AMEND

The District Court referred this action to United States Magistrate Judge David W. Christel. Plaintiff Joseph Lochuch Ewalan, proceeding *pro se* and *in forma pauperis*, filed this civil rights complaint under 42 U.S.C. § 1983. *See* Dkts. 8, 9. Having reviewed and screened Plaintiff's complaint (Dkt. 9) under 28 U.S.C. § 1915A, the Court declines to serve the complaint and, instead, grants Plaintiff the opportunity to file an amended complaint by **July 28, 2025**, to correct the deficiencies identified below.

**I. Background**

Plaintiff is a state prisoner currently confined at Stafford Creek Corrections Center ("SCCC") in Aberdeen, Washington. Dkt. 9. In his complaint, Plaintiff contends he suffers from

1 post-traumatic stress disorder and ongoing effects from a brain injury after being assaulted by  
2 another inmate at SCCC in July 2017. *Id.* Plaintiff states he filed grievances against several DOC  
3 officials and pursued a civil rights claim regarding the assault. *Id.*; *see also Ewalan v. Schreiber*  
4 *et al.*, No. 3:20-cv-05678, Dkt. 272 (W.D. Wash. Apr. 25, 2024) (judgment in favor of  
5 Defendants after jury trial).

6 In December 2019 or January 2020, Plaintiff was transferred to Washington State  
7 Penitentiary (“WSP”). Dkt. 9. At WSP, he states he received a number of accommodations and  
8 health status reports (“HSRs”) related to his health conditions, including single cell status, lower  
9 bunk, and a wedge pillow. *Id.*

10 In 2024, Plaintiff requested a transfer to Monroe Correctional Complex (“MCC”) to take  
11 part in a particular mental health treatment program or, in the alternative, to Washington  
12 Corrections Center (“WCC”) to take part in a parenting program that he asserted would mitigate  
13 his mental health issues by helping him connect with his children. *Id.* Plaintiff filed multiple  
14 grievances seeking to expedite his transfer. *Id.* In December 2024, Plaintiff states he was moved  
15 to WCC while “in transit” to a new facility. *Id.* At WCC, he learned his HSRs had been  
16 terminated and that he would be transferred back to SCCC. *Id.*

17 In January or February 2025, Plaintiff states he was denied access to legal services at the  
18 SCCC law library by Defendant Paula Main. *Id.* After Plaintiff threatened to file a grievance or  
19 initiate legal action, Plaintiff alleges Defendant Badley Heden made an unnecessary emergency  
20 call that resulted in over ten officers swarming Plaintiff and handcuffing him without incident.  
21 *Id.* When he was handcuffed, Plaintiff contends Defendant Weld “threatened to throw [him] in  
22 the hole without investigation[ ] for threatening to sue[.]” *Id.* Plaintiff states he was later found  
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1 guilty of a serious rule violation after Defendant Heden alleged Plaintiff used physical force,  
2 intimidation, or coercion against him. *Id.*

## 3 II. Discussion

4 In his complaint, Plaintiff names 23 Defendants who, he alleges, violated his First and  
5 Eighth Amendment rights during his incarceration at SCCC and WSP. *See* Dkt. 9.

6 Under the Prison Litigation Reform Act of 1995, the Court is required to screen  
7 complaints brought by prisoners seeking relief against a governmental entity or officer or  
8 employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must “dismiss the  
9 complaint, or any portion of the complaint, if the complaint: (1) is frivolous, malicious, or fails to  
10 state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant  
11 who is immune from such relief.” *Id.* at (b); 28 U.S.C. § 1915(e)(2); *see Barren v. Harrington*,  
12 152 F.3d 1193 (9th Cir. 1998).

13 To state a claim for relief under 42 U.S.C. § 1983, a plaintiff must show: (1) he suffered a  
14 violation of rights protected by the Constitution or created by federal statute, and (2) the  
15 violation was proximately caused by a person acting under color of state law. *See Crumpton v.*  
16 *Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991). The first step in a § 1983 claim is therefore to  
17 identify the specific constitutional right allegedly infringed. *Albright v. Oliver*, 510 U.S. 266, 271  
18 (1994). To satisfy the second prong, a plaintiff must allege facts showing how individually  
19 named defendants caused, or personally participated in causing, the harm alleged in the  
20 complaint. *See Leer v. Murphy*, 844 F.2d 628, 633 (9th Cir. 1988); *Arnold v. IBM*, 637 F.2d 1350,  
21 1355 (9th Cir. 1981).

22 A person subjects another to a deprivation of a constitutional right when committing an  
23 affirmative act, participating in another’s affirmative act, or omitting to perform an act which is  
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1 legally required. *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978). Sweeping conclusory  
2 allegations against an official are insufficient to state a claim for relief. *Leer*, 844 F.2d at 633.  
3 Further, a § 1983 suit cannot be based on supervisory liability alone, but must allege the  
4 defendant's own conduct violated the plaintiff's civil rights. *City of Canton v. Harris*, 489 U.S.  
5 378, 385–90 (1989).

6 The Court is required to liberally construe *pro se* documents. *Estelle v. Gamble*, 429 U.S.  
7 97, 106 (1976). However, Federal Rule of Civil Procedure 8 requires a complaint to contain “a  
8 short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ.  
9 P. 8(a). “Each allegation must be simple, concise, and direct.” Fed. R. Civ. P. 8(d).

10 Plaintiff's complaint suffers from several deficiencies, each of which must be corrected  
11 before the Court will serve the complaint. First, Plaintiff's complaint does not comply with the  
12 directive in Rule 8 that he provide “a short and plain statement of the claim” with “simple, concise,  
13 and direct” allegations. Instead, Plaintiff's complaint includes 110 pages, at least 20 of which are  
14 duplicate pages, plus 53 pages of attachments. *See* Dkts. 9, 10. “[T]he Court cannot glean what  
15 claims for relief might lay hidden in the narration provided by plaintiff[,] and it is plaintiff's  
16 responsibility to make each claim clear and provide only a short statement of facts supporting  
17 [each] claim.” *Henderson v. Scott*, No. CVF 025809AWILJOP, 2005 WL 1335220, at \*1 (E.D.  
18 Cal. May 4, 2005).

19 Second, Plaintiff's complaint appears to assert multiple claims against unrelated  
20 Defendants. Plaintiff divides his complaint into two “counts,” each of which appears to raise  
21 claims against different Defendants based on different events. Dkt. 9. In Count One, he alleges 14  
22 named Defendants—Cheryl Strange, Joanne Miller, Garry Botton, S Thompson, T Morrissey,  
23 Hanson Shelly, S Clarner, D Feist, K Casperson, J Kerschner, Eric Mairilo, Robert Jackson,

1 Christopher O'Dell, and Jennifer Loyd—exhibited deliberate indifference to his serious medical  
2 needs by denying him access to mental health programming at MCC and WCC, transferring him  
3 back to a facility where he had been previously assaulted, and terminating his HSRs. *Id.* He also  
4 contends these actions constituted retaliation for filing administrative grievances. *Id.* In Count  
5 Two of the complaint, Plaintiff alleges Defendants Main, Heden, and Weld retaliated against him  
6 for filing grievances and threatening legal action by denying him access to legal services, falsely  
7 accusing him of a rule violation, and threatening him with solitary confinement, in violation of  
8 his First Amendment rights. *Id.*

9 Unrelated claims against different defendants must be pursued in multiple lawsuits.  
10 Plaintiffs may join claims against different defendants in a single action only if (1) the claims arise  
11 out of the same transaction or occurrence, or series of transactions and occurrences, and (2) there  
12 are common questions of law or fact. Fed. R. Civ. P. 20(a)(2); *see also Coughlin v. Rogers*, 130  
13 F.3d 1348, 1351 (9th Cir. 1997); *Desert Empire Bank v. Ins. Co. of N. Am.*, 623 F.2d 1371, 1375  
14 (9th Cir. 1980). Adherence to Rule 20 is of particular importance in prisoner civil rights actions:

15 [M]ultiple claims against a single party are fine, but Claim A against Defendant 1  
16 should not be joined with unrelated Claim B against Defendant 2. Unrelated claims  
17 against different defendants belong in different suits, not only to prevent the sort of  
18 morass that [a multiple claim and multiple defendant] suit produce[s], but also to  
ensure that prisoners pay the required filing fees—for the Prison Litigation Reform  
Act limits to [three] the number of frivolous suits or appeals that any prisoner may  
file without prepayment of the required fees.

19 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (citing 28 U.S.C. § 1915(g)). Therefore, a  
20 plaintiff seeking to pursue separate conditions of confinement claims against different defendants  
21 must either (1) do so in separate actions or (2) plead sufficient facts showing the claims (a) arise  
22 out of the same occurrence or series of occurrences and (b) involve a common question of law or  
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1 fact. *See George*, 507 F.3d at 607; *see also* Fed. R. Civ. P. 20(a)(2) (joinder of defendants not  
2 permitted unless both commonality and same occurrence requirements are satisfied).

3 Finally, Plaintiff's complaint also names as Defendants Furst, Chad Anderson, Jason  
4 Bennett, Mac Pevey, Lynn Clark, and Matt Summer, but does not connect these Defendants with  
5 any claim. Dkt. 9. As noted above, to state a claim for relief under 42 U.S.C. § 1983, Plaintiff  
6 must explain how each named Defendant personally participated in the alleged constitutional  
7 violations. Plaintiff has failed to allege facts showing these Defendants were aware Plaintiff  
8 suffered from a serious medical need and acted with deliberate indifference to that need or that  
9 these Defendants retaliated against him for exercising a constitutional right. If Plaintiff wishes to  
10 pursue a claim against these Defendants arising from the relevant incidents, he must provide a  
11 short, plain statement explaining exactly what each Defendant did or failed to do and how the  
12 actions violated Plaintiff's constitutional rights and caused him harm.

### 13 **III. Conclusion**

14 Because of the deficiencies identified above, the Court declines to direct Plaintiff's  
15 complaint be served on Defendants. However, Plaintiff is granted leave to file an amended  
16 complaint curing the noted deficiencies on or before **July 28, 2025**. Plaintiff must ensure that the  
17 amended complaint carries the same case number as his original complaint. If no amended  
18 complaint is timely filed, or if Plaintiff fails to correct the deficiencies identified above, the  
19 Court may recommend that this action be dismissed pursuant to 28 U.S.C. § 1915A(b) and 28  
20 U.S.C. § 1915(e)(2)(B).

21 Plaintiff is advised that an amended pleading operates as a complete substitute for an  
22 original pleading. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) (citing *Hal Roach*  
23 *Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1990) (as amended)).  
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1 Thus, any amended complaint must clearly identify each intended Defendant, the constitutional  
2 claim(s) asserted against each Defendant, the specific facts that Plaintiff believes support each  
3 claim, and the specific relief requested. Further, attachments to an amended complaint will not  
4 be considered in analyzing whether the amended complaint states a claim. **The amended**  
5 **complaint may not exceed twenty (20) pages absent leave of the Court upon a showing of**  
6 **good cause.**

7 The Clerk is directed to send Plaintiff the appropriate forms so that Plaintiff may file an  
8 amended complaint.

9 Dated this 27th day of June, 2025.

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12 David W. Christel  
13 United States Magistrate Judge  
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